

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1398 OF 2023

Vijay Murlidhar Pathode and others

..VS..

State Election Commission of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.I. Dhattrak, Advocate for petitioners.
Mr. J.B. Kasat, Advocate for respondent No.1.
Mr. A.M. Deshpande, In-charge Government Pleader for respondent No.2.
Mr. A.Y. Kapgate, Advocate for respondent No.4.
Mrs. Aditi Y. Pardhi, Advocate for respondent Nos.5 to 7.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ

DATED : MAY 02, 2023

The petitioner No.1 has been elected directly as “Sarpanch” of Gram Panchayat, Datora, Tahsil and District Gondia. Petitioner Nos.2 to 7 and respondent Nos.5 to 7 have been elected as Members of the Gram Panchayat in the election that was held on 18.12.2022. The respondent Nos.9 and 10 who had contested the said election against petitioner Nos.3 and 4 had approached this Court challenging the validity of their election. Writ Petition No. 246 of 2023 preferred by them came to be disposed of by directing the election petition preferred by them to be decided expeditiously. The petitioners herein seek holding of election of “Upsarpanch” and also the first meeting of the Gram Panchayat.

2. On hearing the learned counsel for the parties, we find that in Writ Petition No. 246 of 2023 this Court had directed expeditious consideration of the election petition which is stated to be Election Petition No.25 of 2023. Since it is found that in the Gazette Notification published by the State

Election Commission, names of respondent Nos.9 and 10 have been shown while the certificate of election has been issued to respondent Nos.3 and 4, we find that it would be necessary that Election Petition bearing No. 25 of 2023 is decided within stipulated time which would facilitate holding of the first meeting of the Gram Panchayat.

3. In these facts, the present Writ Petition is disposed of by directing the learned Civil Judge, Senior Division, Gondia to decide the Election Petition No.25 of 2023 in the light of the direction issued in Writ Petition No. 246 of 2023 and preferably by the end of June 2023. The parties to the election petition shall co-operate in the speedy disposal of the said proceedings and if the learned Judge finds that the parties are not co-operating, he is free to proceed against such party in accordance with law. The Trial Court can also consider proceeding with the election petition on day to day basis.

4. With these directions, the Writ Petition is disposed of.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

Kirtak